

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 00-21187-GLT
: Chapter: 13
Boyd E. Reinard :
Linda L. Reinard :
: Date: 2/12/2014
Debtor(s). : Time: 02:30

PROCEEDING MEMO

MATTER:

#62 Motion for Unclaimed Funds filed by Oak Point Partners

Tentative Ruling: The Amended Motion for Order Directing Payment of Funds will be denied without prejudice unless counsel can adequately address the following issues: (1) the Motion contains certain allegations that cannot be ascertained from the record and are not substantiated by an individual with personal knowledge of the events described; (2) the Motion does not establish a connection between the original creditor, Heilig-Meyers Credit Centre ("H-M Credit"), and the Heilig-Meyers Liquidating Trust (the "Trust"). The Court takes judicial notice that a bankruptcy proceeding was commenced on behalf of Heilig-Meyers Company before the U.S. Bankruptcy Court for the Eastern District of Virginia at Case No. 00-34533, but it does not appear that a separate case was filed for H-M Credit. Accordingly, the Motion fails to establish which assets were conveyed into the Trust, and whether the claim of H-M Credit constitutes one of the "Remnant Assets"; and (3) the Court observes that no transfer of claim has been filed pursuant to Bankruptcy Rule 3001(e).

APPEARANCES:

Debtor: No Appearance
Trustee: Mark Gregg
Oakpoint: Peter Ashcroft

NOTES:

Ashcroft - Proof of claim filed by Heilig-Meyers Furniture Company, which is one of the companies that filed for bankruptcy under the lead case of Heilig-Meyers Company. Heilig-Meyers Credit Centre appears on what came from the Trustee's office. Heilig-Meyers Credit Centre is a place where Heilig-Meyers processed payments - just a location, not a separate entity. The Liquidating Trustee was appointed by the court to liquidate Heilig-Meyers Company, including Heilig-Meyers Furniture Company. Sold the Remnant Assets to Oak Point. Cannot show that Reinard claim is part of the Remnant Assets.

Court - Why hasn't a transfer of claim been filed?

Ashcroft - Not a prerequisite to obtaining the unclaimed funds.

Court - Affidavit still references Heilig-Meyers Credit Centre. Still has nothing to say that Heilig-Meyers sold the assets which comprise this claim to Oak Point.

Ashcroft - Oak Point appears to be in the business of purchasing assets from liquidating trusts.

Court - Confer with client to determine whether record in the bankruptcy establishes which assets encompass the Remnant Assets, or file a transfer of claim.

OUTCOME:

1. Matter continued to April 2, 2014 at 1:30 p.m. (Text Order to issue).

FILED

FEB 13 2014

CLERK U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA